

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE:

VITAMINS ANTITRUST LITIGATION

This Document Relates to:

All Class Actions

M.D.L. No. 1285

Misc. No. 99-0197 (TFH)

**FILED**

SEP 25 2002

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

**ORDER APPROVING FORM OF NOTICES  
AND SCHEDULE OF NOTICE OF CLASS  
CERTIFICATION AND THE MERCK SETTLEMENT**

This Court having considered Class Plaintiffs' Motion for Approval of Form of Notice and Schedule of Notice of Class Certification and the Merck Settlement, having preliminarily approved the Merck Settlement by Order of September 16, 2002 and having certified the Vitamin Products and Choline Chloride classes by Orders of Feb. 25, 2002 and September 16, 2002,

IT IS HEREBY ORDERED THAT:

1. As soon as practicable after entry of this Order, but no later than 20 days after the date of its entry or October 23, 2002, Class Plaintiffs shall cause mailing of copies of the Notices, substantially in the forms attached hereto as Exhibits 1 and 2, by first class mail, postage prepaid, to all potential members of the classes, to the extent that they can be identified by reasonable diligence, from the database of customers created by the Claims Administrator in this action.

2. As soon as practicable after mailing of the notices and, in all events, no later than 30 days after the Approval Order or November 1, 2002, Class Plaintiffs cause publication of the Summary Notices, substantially in the forms attached hereto as Exhibits 3 and 4, to begin. They shall be published one day a week for two consecutive weeks in the national edition of *The Wall Street Journal* and once in *Feedstuffs* and *Chemical Market Reporter*.
3. Prior to the Settlement Hearing, Class Plaintiffs shall serve and file a sworn statement attesting to compliance with the provisions of paragraph 1 and 2 of this Order.
4. By letter postmarked within 65 days of the Approval Order (or 45 days after the mailing of notices or December 9, 2002), any member of the Vitamin Products Class who wishes to be excluded therefrom and from participating in the Merck Settlement, must file a request to be excluded. Any member of the Choline Chloride Class who wishes to be excluded therefrom must similarly file a request to be excluded. A written request to be excluded must be mailed by certified mail, return receipt requested, to Vitamins Products Antitrust Litigation (Class Certification), P.O. Box 58520, Philadelphia, PA 19102-5852. The request must clearly state: (i) the name and address of the person or entity that wishes to be excluded; (ii) whether they wish to be excluded from the Vitamin Products Class (as well as the Merck Settlement) or the Choline Chloride Class or both; (iii) all trade names or business names and addresses used by such entity and any of its parents, subsidiaries or affiliates that are also intended to be excluded from either or both classes; and (iv) a person who, if necessary, may be contacted in

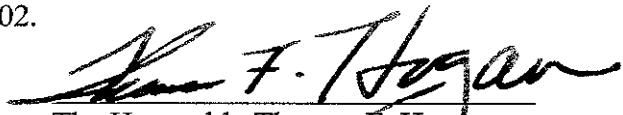
connection with the Request for Exclusion and such person's telephone number.

Upon receipt, the Claims Administrator shall create lists of the Requests for Exclusion for the Vitamin Products Class and for the Choline Chloride Class and shall periodically provide copies of the updated lists to Plaintiffs' Co-Lead Counsel and to counsel for the non-settling Defendants. The Claims Administrator shall periodically provide the list of the Requests for Exclusion for the Vitamin Products Class to counsel for the Merck Defendants. No later than January 3, 2003, the Claims Administrator shall provide to the Clerk of the Court, to Plaintiffs' Co-Lead Counsel, and to counsel for the non-settling Defendants a certified record of those members of the Vitamin Products Class and of the Choline Chloride Class that have timely excluded themselves from the classes. The Claims Administrator shall also provide to counsel for the Merck Defendants a certified record of those members of the Vitamin Products Class that have timely excluded themselves.

5. Claim forms for choline chloride purchases must be postmarked no later than January 8, 2003.
6. By letter postmarked within 65 days of the Approval Order (or 45 days after the mailing of notices or December 9, 2002), any member of the Vitamin Products Class who wishes to object to the Merck Settlement must file its objections in writing, pursuant to the procedures set forth in this Court's Order of September 16, 2002.

7. No later than 90 days after the Approval Order (or 70 days after the mailing of the notices or January 3, 2003), Class Plaintiffs must file their motion for final approval of the Merck Settlement.
8. A hearing shall take place before the Court on January 15, 2003 at 10:00 a.m. in Courtroom No. 8, United States Courthouse, 333 Constitution Avenue, NW, Washington D.C. 20001 to consider the fairness, reasonableness and adequacy of the proposed Merck Settlement, the dismissal with prejudice of the class action with respect to the Merck Defendants and the entry of Final Judgment as to those Defendants in the class action.
9. The date and time of the Settlement Hearing shall be set forth in the notices but shall be subject to adjournment by the Court without further notice to the members of the Vitamin Products class other than that which may be posted at the Court and on the Court's website.

SO ORDERED this 24 day of September 2002.

  
The Honorable Thomas F. Hogan  
Chief Judge  
United States District Court